

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

UNITED STATES OF AMERICA, :
 :
 :
 Plaintiff, :
 v. : Case No. 4:18-CR-00274-LGW-BWC
 :
 PABLO RANGEL-RUBIO (1), :
 JUAN RANGEL-RUBIO (2), and :
 HIGINIO PEREZ-BRAVO (3), :
 :
 Defendants. :

**DEFENDANT'S PEREZ-BRAVO'S SUPPLEMENT TO PRELIMINARY
AND PROTECTIVE MOTION TO DISMISS INDICTMENT AND STAY
PROCEEDINGS AND BRIEF IN SUPPORT THEREOF**

Counsel for Defendant Higinio Perez-Bravo, on behalf of Defendant Perez-Bravo and all Defendants in this case, hereby files this Supplement to Preliminary and Protective Motion to Dismiss Indictment and Stay Proceedings and Brief in Support Thereof, in order to update and correct certain issues addressed in his earlier Motion and Brief (Doc. 420). The defense previously requested that their expert be allowed copies of certain files necessary for a complete analysis of jury selection issues in this case (Doc. 419), but that request was denied. However, the defense was allowed additional time to supplement their previously filed Motion and Brief. (Doc. 423).

As explained in the Declaration of Jeffrey Martin, filed herewith, the defense expert recently reviewed certain data available at the Richard B. Russell Federal

Building in Atlanta, which allowed him to confirm and correct hand counts that he had previously made, but did not allow him to do an analysis necessary to determine certain systematic factors related to the underrepresentation of the Black or African-American and Hispanic or Latino communities. (See, Declaration Par. 9).

As explained in the Declaration of Jeffrey Martin, the African-American and Hispanic/Latino communities appear to be systematically underrepresented in the jury wheels. (Declaration, Par. 14, 15, 16, 17 and 18). This is believed to be the result of (1) the sole reliance upon the voter registration list for the names of potential jurors, (2) the fact that a disproportionate number of the juror questionnaires are not delivered or returned for the African-American and Hispanic/Latino communities, (3) the high rate of disqualifications for the underrepresented communities and (4) the impact of how the grand jury is selected from all of the qualified wheels of the different Divisions. With respect to the sole reliance on the voter registration lists, the Jury Selection and Service Act of 1968 requires that that list be supplemented if a significant underrepresentation of a distinctive class occurs. 28 U.S.C. § 1863(b)(2).

Accordingly, the defense relies upon the factual and legal argument made in the previously filed Motion and Brief, as supplemented herein, including the Declarations attached with each pleading. The Defendants respectfully request that the Court allow a hearing on this matter at which documentary and expert testimony can be presented more fully in support of the contentions of the defense.

[signatures on next page]

This 1st day of April, 2021.

Respectfully submitted,

s/John R. Martin

John R. Martin, Ga. Bar No. 473325

Martin Brothers, P.C.

1099 St. Louis Pl

Atlanta, GA 30306

404-433-7446

Email: jack@martinbroslaw.com

s/Bobby Phillips

Robert P. Phillips, Ga. Bar No. 576700

420 W. Broughton Street

Savannah, GA 31401

912-232-0081

Fax: 877-232-9070

Email: BPLaw@msn.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on April 1, 2021, I electronically filed an exact copy of the foregoing **Supplement to Preliminary and Protective Motion to Dismiss Indictment and Stay Proceedings and Brief in Support Thereof** with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all parties of record.

This 1st day of April, 2021.

s/John R. Martin

John R. Martin